

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF NEW YORK**

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DISH NETWORK, L.L.C., NAGRASTAR, LLC,

Plaintiffs,

-against-

TOMASZ KACZMAREK, JOHN DEFOE,
JULIA DEFOE,

Defendants.

**DEFENDANTS
JOHN DEFOE AND
JULIA DEFOE’S
ANSWER AND
AFFIRMATIVE
DEFENSES**

Index No. 19-CV-4803

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Defendants John Defoe and Julia Defoe, by their attorney, Todd Wengrovsky, for their Answer
and Affirmative Defenses, state as follows:

“NATURE OF THE ACTION” SECTION OF COMPLAINT

1. Defendants deny each and every allegation of this Paragraph of the Complaint.

“PARTIES” SECTION OF COMPLAINT

2. Defendants admit the allegations of this Paragraph of the Complaint.
3. Defendants admit the allegations of this Paragraph of the Complaint.
4. Defendants admit the allegations of this Paragraph of the Complaint.
5. Defendants admit the allegations of this Paragraph of the Complaint.
6. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of the Complaint.

“JURISDICTION AND VENUE” SECTION OF COMPLAINT

7. Defendants admit the allegations of this Paragraph of the Complaint.

8. Defendants admit the allegations of this Paragraph of the Complaint.

9. Defendants admit the allegations of this Paragraph of the Complaint.

“DISH’S SATELLITE TELEVISION PROGRAMMING” SECTION OF COMPLAINT

10. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of the Complaint.

11. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of the Complaint.

12. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of the Complaint.

“DEFENDANTS’ REBROADCASTING SCHEME” SECTION OF COMPLAINT

13. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of the Complaint.

14. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of the Complaint.

15. Defendants deny each and every allegation of this Paragraph of the Complaint.

16. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of the Complaint.

17. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of the Complaint.

18. Defendants deny each and every allegation of this Paragraph of the Complaint.

19. Defendants deny each and every allegation of this Paragraph of the Complaint.

“COUNT I” SECTION OF COMPLAINT

20. Defendants repeat and incorporate by reference their replies in Paragraphs 1 through 19 herein inclusive.

21. Defendants deny each and every allegation of this Paragraph of the Complaint.

22. Defendants deny each and every allegation of this Paragraph of the Complaint.

23. Defendants deny each and every allegation of this Paragraph of the Complaint.

24. Defendants deny each and every allegation of this Paragraph of the Complaint.

25. Defendants deny each and every allegation of this Paragraph of the Complaint.

“COUNT II” SECTION OF COMPLAINT

26. Defendants repeat and incorporate by reference their replies in Paragraphs 1 through 25 herein inclusive.

27. Defendants deny each and every allegation of this Paragraph of the Complaint.

28. Defendants deny each and every allegation of this Paragraph of the Complaint.

29. Defendants deny each and every allegation of this Paragraph of the Complaint.

DEFENDANTS' AFFIRMATIVE DEFENSES

Answering further, Defendants John Defoe and Julia Defoe raise the following affirmative defenses:

FIRST AFFIRMATIVE DEFENSE

The Complaint fails to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

The Court lacks subject matter jurisdiction over this action.

THIRD AFFIRMATIVE DEFENSE

Through its representations and actions, Plaintiff has waived its right to bring suit against Defendants for the subject matter identified in the Complaint.

FOURTH AFFIRMATIVE DEFENSE

Plaintiff can not demonstrate injury, impact, or damage as a result of any actions or omissions by Defendants.

FIFTH AFFIRMATIVE DEFENSE

Even if Plaintiff could demonstrate injury, impact, or damage as a result of any actions or omissions by Defendants, Plaintiff failed to mitigate damages.

SIXTH AFFIRMATIVE DEFENSE

If Plaintiff was damaged, any alleged harm was proximately caused by the superseding, supervening, intervening, and/or other conduct or actions of parties over whom Defendants had neither control nor the right or duty to control.

Defendants reserve the right to assert additional affirmative defenses in the event discovery discloses the existence of same.

WHEREFORE, Defendants respectfully request this Court to grant judgment in their favor, order all claims of the complaint dismissed with prejudice, award Defendants all costs, expenses, disbursements and fees incurred herein, including reasonable attorneys' fees, and such other, further and different relief as the Court may deem just and proper.

Dated: Calverton, New York.
October 1, 2019

/s/ Todd Wengrovsky
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John Defoe and Julia Defoe